

CA20N
XC 14
-78B67

Government
Publications

Brief to the standing adminis-
tration of justice committee
on BILL 112

CA2PN
XC14
-78B67

Government
Publications

BRIEF
TO THE
STANDING ADMINISTRATION OF JUSTICE COMMITTEE
ON
BILL 112
THE DISCRIMINATORY BUSINESS PRACTICES ACT

PREPARED BY:

THE ONTARIO
STATUS OF WOMEN COUNCIL

SEPTEMBER 19, 1978



MR. ATTORNEY GENERAL, MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, THANK YOU FOR THIS OPPORTUNITY TO HAVE YOU HEAR OUR VIEWS ON BILL 112, THE DISCRIMINATORY BUSINESS PRACTICES ACT.

AS YOU ARE PROBABLY AWARE, THE ONTARIO STATUS OF WOMEN COUNCIL IS APPOINTED BY THE ONTARIO GOVERNMENT TO ADVISE IT ON MATTERS PERTAINING TO WOMEN. INCIDENTALLY, TOMORROW, SEPTEMBER 26, WILL MARK THE FIFTH ANNIVERSARY OF THE ORDER-IN-COUNCIL WHICH SET UP THE COUNCIL.

MY REMARKS WILL BE BRIEF. I APOLOGIZE FOR NOT HAVING BEEN ABLE TO SUPPLY THE COMMITTEE MEMBERS WITH A COPY OF THEM BEFORE TODAY. HOWEVER, OUR COUNCIL MET ONLY LAST FRIDAY TO FINALIZE OUR POSITION ON THIS BILL.

THE STATED PURPOSE OF THE BILL IS TO PREVENT DISCRIMINATION IN THE BUSINESS COMMUNITY. SURELY AN ADMIRABLE PURPOSE. WHO COULD ARGUE AGAINST IT?

INDEED, THE ONTARIO STATUS OF WOMEN COUNCIL SUPPORTS THE BILL IN PRINCIPLE WITH TWO MAJOR EXCEPTIONS.

FIRST, THE BILL WOULD ELIMINATE DISCRIMINATION IN BUSINESS ON THE BASIS OF RACE, CREED, COLOUR, NATIONALITY, ANCESTRY, PLACE OF ORIGIN OR GEOGRAPHICAL LOCATION.

IF I DID NOT KNOW BETTER, I WOULD THINK THAT THIS BILL HAD BEEN DRAFTED BEFORE 1972 WHEN THE ONTARIO HUMAN RIGHTS CODE WAS MODERNIZED TO INCLUDE THE GROUNDS OF SEX AND MARITAL STATUS IN RECOGNITION THAT SYSTEMIC DISCRIMINATION AGAINST WOMEN IN OUR SOCIETY IS A FACT OF LIFE.

MAY I TAKE A MOMENT TO READ TO YOU FROM THE PREAMBLE OF THE ONTARIO HUMAN RIGHTS CODE:

"AND WHEREAS IT IS PUBLIC POLICY IN ONTARIO THAT EVERY PERSON IS FREE AND EQUAL IN DIGNITY AND RIGHTS WITHOUT REGARD TO RACE, CREED, COLOUR, SEX, MARITAL STATUS, NATIONALITY, ANCESTRY, AND PLACE OF ORIGIN.

AND WHEREAS THESE PRINCIPLES HAVE BEEN CONFIRMED IN ONTARIO BY A NUMBER OF ENACTMENTS OF THE LEGISLATURE."

SO, IN THIS PROVINCE, SINCE 1972, WE HAVE HAD A HISTORY OF KNOWN AND ACCEPTED GROUNDS IN HUMAN RIGHTS LEGISLATION WHICH HAVE INCLUDED SEX AND MARITAL STATUS. THEREFORE, TO INCLUDE THE CATEGORIES OF SEX AND MARITAL STATUS IS THE NORM IN THIS PROVINCE,



Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

<https://archive.org/details/31761114672942>

LEST WE FORGET THE ORIGINAL PURPOSE FOR INCLUDING THE GROUNDS OF SEX AND MARITAL STATUS IN THE HUMAN RIGHTS CODE AND THE REASON WHY THESE GROUNDS MUST BE INCLUDED IN THIS PROPOSED LEGISLATION - FOR THE FIRST TIME IN THE HISTORY OF WOMEN IN THE LABOUR FORCE IN ONTARIO - THIS YEAR THE PARTICIPATION RATE WILL REACH AN ANNUAL FIGURE OF 50%. THAT MEANS THAT ONE OUT OF TWO ADULT WOMEN IN ONTARIO ARE NOW WORKING OUTSIDE THEIR HOMES AND NEW DEMOGRAPHIC STUDIES SHOW THAT MANY MORE WOMEN PLAN TO JOIN THE LABOUR FORCE IN THE NEAR FUTURE.

OF THE WOMEN NOW IN THE LABOUR FORCE 613,000 ARE SINGLE, WIDOWED AND DIVORCED. IN ALL LIKELIHOOD THESE WOMEN ARE SUPPORTING THEMSELVES AND MANY ARE PROBABLY RESPONSIBLE FOR THE SUPPORT OF DEPENDENTS.

FORTY PER CENT OF ALL WORKERS IN ONTARIO ARE WOMEN. THIS BILL AS WRITTEN WILL COVER ONLY 60% OF THE LABOUR FORCE.

THE GOVERNMENT OF ONTARIO HAS RECOGNIZED THE DISADVANTAGED POSITION OF WOMEN BY ITS SUPPORT FOR PROGRAMS SUCH AS THE WOMEN'S BUREAU, THE WOMEN CROWN EMPLOYEES' OFFICE, AND THE STATUS OF WOMEN COUNCIL.

4.

IT IS THE VIEW OF THE COUNCIL THAT THIS BILL, AS WRITTEN, IS A STEP BACKWARDS IN TERMS OF HUMAN RIGHTS LEGISLATION IN ONTARIO - NOT A STEP FORWARD. I WOULD LIKE TO RESPECTFULLY ASK WHAT THE REASONS WERE FOR THE GROUNDS OF SEX AND MARITAL STATUS BEING EXCLUDED FROM THE BILL? ALSO I WOULD LIKE TO ASK WITH RESPECT IF IT IS THE INTENTION OF THE GOVERNMENT TO AMEND THE BILL TO INCLUDE THE GROUNDS OF SEX AND MARITAL STATUS?

LET ME MOVE TO MY SECOND POINT. I CONSIDER THIS BILL BELONGS WITH OTHER HUMAN RIGHTS LEGISLATION.

ENFORCEMENT OF SUCH A LAW WILL REQUIRE AN EXPERIENCED STAFF TO HANDLE THE COMPLAINTS WITH SENSITIVITY AND SWIFTNESS. THIS EXPERTISE AND EXPERIENCE PRESENTLY EXISTS WITHIN SEVERAL AREAS OF THE MINISTRY OF LABOUR AND WITHIN THE ONTARIO HUMAN RIGHTS COMMISSION. AT A TIME OF FINANCIAL CONSTRAINTS IN GOVERNMENT IT WOULD SEEM TO BE AN UNNECESSARY DUPLICATION OF HUMAN RESOURCES TO HAVE THE IMPLEMENTATION OF THIS BILL UNDER A DIFFERENT MINISTRY THAN THE MINISTRY OF LABOUR.

THEREFORE, WE PROPOSE THAT THE ENFORCEMENT BELONGS WITHIN THE AEGIS OF THE MINISTRY OF LABOUR SO AS TO BETTER DRAW ON THE EXPERTISE AND PAST EXPERIENCE OF THE ONTARIO HUMAN RIGHTS COMMISSION AND THE WOMEN'S BUREAU.

IF I COULD JUST ELABORATE ON THE HUMAN RIGHTS ASPECT OF THE BILL FOR A MOMENT.

AT OUR COUNCIL MEETING LAST FRIDAY WE APPROVED A PAPER WHICH RECOMMENDS THAT THE GOVERNMENT OF ONTARIO UNDERTAKE CONTRACT COMPLIANCE WITH ALL ORGANIZATIONS THAT IT FUNDS. WE HAVE ALSO RECOMMENDED THAT THE CONTRACT COMPLIANCE PROGRAM BE LOCATED IN THE MINISTRY OF LABOUR.

WE REGRET THAT WE ARE NOT ABLE AT THIS TIME TO PRESENT THE COMMITTEE WITH COPIES OF THE BRIEF. OUR MANDATE CALLS FOR US TO FORMALLY ADVISE THE GOVERNMENT FIRST. HOWEVER, AT THE EARLIEST OPPORTUNITY, IF IT IS YOUR WISH, WE WOULD BE GLAD TO PROVIDE THE MEMBERS WITH A COPY OF THE BRIEF.

IN CLOSING LET ME SAY THAT WE SUPPORT THE PRINCIPLE OF THE BILL PROVIDED SEX AND MARITAL STATUS ARE ADDED.

ACCOPRESS®

NO. 2507

BE - RED	BY - YELLOW
BG - BLACK	BA - TANGERINE
BD - GREY	BB - ROYAL BLUE
BU - BLUE	BX - EXECUTIVE RED
BF - GREEN	

SPECIFY NO. & COLOR CODE

ACCO CANADIAN COMPANY LTD.
TORONTO CANADA

3 1761 11467294 2

